REMARKS

This paper is submitted in response to the Office action mailed on March 3, 2009. This paper amends claims 1-3, 5-12, 14 and 15. Accordingly, after entry of this Amendment and Response, claims 1-3, 5-12, 14-27, 29-37, 39-42, 44-50, 52-56 and 58 will remain pending.

I. Specification

The specification has been amended to remove the embedded hyperlink and/or browser-executable code from paragraph [1007] and is now in compliance with § 608.01 of the M.P.E.P. Accordingly, Assignee believes the specification is now in allowable form and respectfully requests the Examiner withdraw the objection set forth in the Office action.

II. The Office Action Mischaracterizes Yates

The Office action maintains its rejection of claims 1-3, 5-12, 14-27, 29-37, 39-42, 44-50, 52-56 and 58 under 35 U.S.C. § 102(e) as allegedly anticipated by Yates. The Assignee respectfully traverses. Previously, the Assignee filed a response on December 16, 2008 pointing out that Yates does not teach profiling of virtually addressable memory objects as recited by the claims. The Office action responds by citing to portions of Yates as purportedly teaching implementing profiling of virtually addressable memory. For example, the Office action at page 3 cites to column 4, lines 43-50 (emphasis added by the Office):

> Particular embodiments of the invention may include one or more of the following features. The regions may be pages managed by a virtual memory manager. The indications may be stored in a virtual address translation entry, in a table whose entries are associated with corresponding virtual pages, in a table whose entries are associated with corresponding physical page frames, in entries of a translation look-aside buffer, or in lines of an instruction cache. The code at the first destination may receive floating-point arguments and return floating-point return values using a register-based calling convention, while the code at the second destination receives floating-point arguments using a memory-based stack calling convention, and returns floating-point values using a register indicated by a top-of-stack pointer.

When reading this passage (or the other passages cited by the Office action) in isolation, one might erroneously think that the profiling mentioned elsewhere in Yates can be performed in virtual memory. However, the Assignee respectfully submits that a full contextual read of Yates teaches exactly the opposite.

Yates is generally directed to a system (referred to therein as "Tapestry"), which allows non-native programming (such as the Intel X86 instruction set architecture) to be executed on the Tapestry system. The only fair teaching of profiling in Yates occurs in section V. titled "Profiling to Determine Hot Spots for Translation", where the system appears

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to track often executed code segments. In this section, Yates describes how the Tapestry system profiles non-native (i.e., X86 code): "profiler 400 monitors the execution of programs executing in X86 mode, and stores a stream of data representing the profile of the execution." *Col. 55, lines 7-10.* Yates later elaborates on the operation of the profiler 400 and specifically teaches against profiling virtually addressable memory locations: "profiler 400 tracks events by physical address, rather than by virtual address." *Col. 55, lines 47-48 (emphasis added).* Other portions of Yates also teach directly against the notion of profiling of virtually addressable memory objects: "Tapestry and TAXi operate in terms of the physical memory of the virtual X86, not the X86 virtual or linear addresses." *Col. 29, lines 7-9 (emphasis added).* In order to more clearly delineate the distinction between the claims and the disclosure from Yates, claims 1-3, 5-12, 14 and 15 are amended herein to clarify that the claimed "software tool" is a "profiling" tool.

For at least the reasons stated above, the Assignee respectfully submits that independent claims 1, 16, 33, 41, 47, and 55 (and their dependent claims) are not anticipated by Yates.[1]

Accordingly, it is respectfully submitted that these claims are allowable over the cited art and the Assignee requests that the Examiner withdraw the rejections and allow these claims over the cited reference.

III. Conclusion

The Assignee thanks the Examiner for his thorough review of the application. The Assignee respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

The Assignee believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.
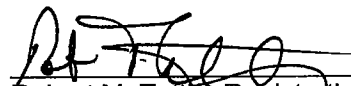
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[1] Furthermore, since Yates teaches directly against the claims, it is difficult to imagine how Yates could be combined with another reference, for example in a future obviousness rejection, to render the claims obvious.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney. context

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Respectfully submitted,

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